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M. A. Hance

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M. A. HANCE.

MARCH 24, 1876.—Laid on the table and ordered to be printed.

Mr. SCALES, from the Committee on Indian Affairs, submitted the following

REPORT:

The Committee on Indian Affairs, to whom was referred the petition of Morgan A. Hance, report:

That they have examined into all the facts submitted in the affidavits accompanying the petition, as well as the law of the case presented by the petition and papers.

Hance claims that in the spring or summer of 1867 he was a member of the late firm of Myers & Hance, and that said firm were contractors on the Union Pacific Railroad, and that their principal business was jobbing out the said railroad, and were engaged at the time of the depredations complained of in a grading job for another firm, to wit, Messrs. Boyd & Reed, first contractors; that on the 2d day of June, in the said year of 1867, the claimant, with his hands and teams, was at work on said job, twenty miles west of Julesburgh, on said Pacific Road, at a point called Lodge Pole Creek, and while they were at breakfast, between six and seven o'clock, the Indians from the adjacent bluffs, to wit, the Ogallalla and Brulé Sioux bands, by hideous yellings, and on fleet horses, took their teams, to the value of \$5,250; that they pursued said Indians on foot and horseback, but recovered nothing.

Claimant further alleges that, as an inducement for the firm to risk their persons and property so near said hostile savages, General Augur, commandant of the post at Fort Sedgwick, promised the said firm military protection, and at the time the property was stolen by the Indians no such protection was afforded.

There are accompanying the petition five affidavits, besides the affidavit of the petitioner, which in substance affirm the taking of the property, and give good reasons why they should and did know the facts were as stated. Petitioner sustains by his own oath alone the fact that a contract of protection was made with General Augur, and by his oath and that of another the value of the property.

Notwithstanding these facts, the committee beg leave to report unfavorably on this claim—

1. Because the evidence is all *ex parte*, and deemed insufficient. The whole claim is based upon the protection to be given by General Augur, and yet there is not a word from General Augur on the subject, who at the time represented the Government; and even if there had been, and the promise of protection were admitted, still it would be straining the promise further than the committee would be willing to go to say this promise made the Government an insurer against all depredations, and it does not even appear that they ever demanded protection.

2. By the existing laws the Secretary of the Interior is required to prepare and present rules and regulations prescribing the manner of their presentation. He shall also carefully investigate and report to Congress at each session the nature and character of each claim, and the evidence upon which it is based, and after all the regulations and rules prescribed have been complied with, the Commissioner on Indian Affairs shall also report his views on the case. There is nothing in the papers to show that this has been done, or any part of it. No rule laid down by the Secretary of the Interior for the government and presentation of all such claims, so far as the committee are advised, has been complied with.

They therefore recommend that the claim be not allowed.